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Caithness.
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TWO ANCIENT RECORDS

OF

THE BISHOPRIC OF CAITHNESS

From the Charter-room at Dunrobin.

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TWO ANCIENT RECORDS OF THE BISHOPRIC OF CAITHNESS, FROM THE CHARTER-ROOM AT DUNROBIN.

When the Bishopric of Caithness was founded, whether by Alexander I. or by his brother King David, the Scotch monarch exercised but a partial and uncertain sway over the territory of the new northern diocese. The peninsula beyond the Moray Frith was for long afterwards in the hands of the Norsemen, who acknowledged their allegiance to the Kings of Scotland only when it suited them to resist the more distant authority of the crown of Norway, or when divisions among themselves rendered it impossible to assert an absolute independence.

The Dalesmen of Caithness and Sutherland, however, unlike their island neighbours, drew their ecclesiastical institutions from Scotland;[1] and this must have been one means of preserving the connexion between them and

[1] The legendary history of the Church in Caithness, pointing to a time before the Northmen had any footing there, connects it still more with the missionaries of Ireland and Scotland.

The legend of St Fimbar, or St Barr, the bishop, "qui in Cathania magno cum honore habetur," (Brev. Aberdon. mense Septemb., fol. cxv.) is plainly identical with that of St Finbar, first Bishop of Cork, who has been rudely transplanted to Scotch ground, with all his miracles and renown—marking, perhaps, the early settlement of some Irish colonists, bringing with them the veneration they had rendered in their old country to the patron saint of their tribe or province.

Saint Duthac was connected with Caithness. He is said to have wrought a miracle at

Scotland proper, when the authority of the Crown was little felt so far. David I., early in his reign, addressed a letter to Rognvald Earl of Orkney, and to the Earl (he does not name him) of Caithness, and to all good men of Caithness and of the Orkneys, praying that, for love of him, they would favour the monks who dwelt at Dornoch in Caithness, and protect them wherever they came within their bounds, and not permit any to do them injury or shame.[1]

The Abbey of Scone was from an early period peculiarly connected with Caithness and Sutherland. Harald, styling himself Earl of Orkney, granted a mark of silver yearly to the canons of Scone, for the weal of the souls of him and his wife, and for the souls of his predecessors.[2] In the reign of Alexander II., when the King's writ was of some potency, the abbot of Scone obtained a royal precept to the sheriffs and bailies of Moray

Dornoch, on the festival of St Fimbar, to whom, perhaps, that cathedral was of old dedicated.—(Brev. Aberdon. mense Marc., fol. lxv.)

Saint Fergus, bishop and confessor, is likewise numbered among the missionaries who preached the faith in Caithness. He was consecrated to the episcopal office in Ireland, from whence, sailing with a few priests and clerks to the western parts of Scotland, he reached strogeth. There, for some time, he led a solitary life; but seeing the land that it was good, he put his shoulder and hands to the work, and founded and endowed three churches there. Thence he retired into Caithness, still preaching Christianity and converting the people, not more by his eloquence than by the lustre of his virtues. From Caithness he sailed to the shores of Buchan, to a place known by the vulgar as Lungley, where he built a church that still bears his name. Last of all, he came to Glammis, in Angus, where he chose his place of rest. There he died and was buried; but his relics, after many years, were translated to the Abbey of Scone, where they did many famous miracles.—(Brev., fol. clxiv.) Certain other of his relics were preserved in the treasury of the cathedral church of Aberdeen.—(Regist. Aberdon., Vol. II. pp. 143, 160, 167, 171, 172, 182.) The ultimate deposit of the bones of the saint of Caithness in the church of Scone marks their early connexion. It is remarkable, that the great house of Le Chene, so much connected with Caithness, was proprietor of the parish in Buchan, which derived its name of St Fergus from the Caithness Saint.

[1] Regist. Dunferm., 23.

[2] Liber de Scon., 58.

and Caithness, for the protection and defence of the ship belonging to the convent, while on her voyage within their jurisdictions. These transactions prepare us for finding the abbey at a somewhat later period, the proprietor of the church of Kildonan, with the lands of Borubol, which were the subject of a curious bargain in 1332.[1]

The first of the bishops of the northern diocese, of whom we have any knowledge, was Andrew. He cannot have resided much in his bishopric, and indeed appears to have been in almost constant attendance on the court of King David I., and his grandsons, Malcolm and William. He was present, however, at one memorable transaction, the beginning of great calamities to his diocese. In the time of Pope Alexander III., Earl Harald, for the redemption of his sins, granted to the Roman see a penny yearly (unum denarium) from each inhabited house in the earldom of Caithness;[2] and that grant was attested by Bishop Andrew, and other nobles of the land. Bishop Andrew was once a monk of Dunfermline. Deriving probably a scanty revenue from his bishopric, he had a grant of the land of Hoctor common from David I., and held the church of the Blessed Trinity of Dunkeld; which was bestowed by Malcolm IV. upon the Abbey of Dunfermline, as soon as it should fall vacant by his death.[3] He was undoubtedly a person of eminent qualities, were we only to judge from his being so constantly attached to the court and person of a monarch like David I.,

[1] Liber de Scon., 162.

[2] Epist. Innoc. III., Lib. I., No. 218. A similar grant was made to the Monks of Paisley by the Lords of the Isles in the twelfth century—*singulis annis unum denarium ex qualibet domo totius terre sue unde fumus exit.*—(Regist. Passelet, p. 125.) It was an imitation of the hearth-tax, called Peter's Pence, or *Romfeoh*, in Saxon England. The same principle of assessment prevailed in the vexatious petty rents that so long oppressed the Orkneys, and some of which are yet known among us, as 'kain.' It is not yet beyond memory, even on the mainland, that each fire house of a barony paid its 'reek hen'—*unam gallinam de qualibet domo unde fumus exit.*

[3] Regist. de Dunfermlin.

and his grandsons.[1] He is quoted, as an authority on the geography of his country, by the English author of the little fragment "De situ Albanie," which has been attributed to Giraldus Cambrensis.[2] Andrew was bishop from about the year 1150,[3] and he held the see till his death, on the 3d of the kalends of January 1185.[4]

The next Bishop of Caithness was John. It appears that at first he declined to exact the Papal contribution; but the Pope (Innocent III.) summoned him to obedience, and even granted a commission to the bishops of Orkney and Rosmarky to compel him to levy the tax, by the heavy censures of the church.[5] Whether the poor bishop complied, or attempted to enforce the exaction of the tax, we are not informed; but his subsequent fate, as narrated in the wild sagas of the Norsemen, might appear incredible, were it not singularly corroborated by a Roman record. Earl Harald Madadson, who had been deprived of his Caithness possessions by William the Lion, resolved to recover them by force, and crossed from his Orkney kingdom to Thurso with a great fleet. There was no force capable of resistance. The bishop, who was residing in his palace of Skrabister, went out to meet him, as the intercessor for the poor Caithness men; but the savage Earl took him and cut out his tongue, and dug out his eyes

[1] There is much reason to think he was a man of property, and that the Church of Dunkeld was his of inheritance. Bishop Richard of Dunkeld confirmed to Dunfermelin "donationem regis Malcolmi et Andree episcopi Katenensis secundum quod eorum carte testantur, ecclesiam s. trinitatis de Dunchelde et omnes terras juste ad eam pertinentes."—Denmylne col. of orig. ch. No. 81.

[2] "Sicut mihi verus relator retulit Andreas videlicet vir venerabilis Katanensis episcopus natione Scottus et Dunfermelis monachus."—(T. Innes's Critical Essay, Ap. I.) Innes's reference is now antiquated. The fragment still exists, however, in the Royal Library at Paris.—(MS. Reg., 4126, fo. 16.) A collation by M. Teulet of the *Archives du Royaume* has furnished very few and unimportant corrections of the text as settled by Innes, and none that affect the sense of this curious piece of antique geography.

[3] Regist. Glasg., 11. [4] Chron. Mailr. [5] Epistol. Innoc. III., Lib. I. No. 218.

with a knife.[1] The saga goes on to tell us, that Bishop Ion recovered the use of his tongue and his eyes, by the miraculous intervention of a native saint, written Tröllhæna.

The latter part of the story is not confirmed by any good authority; but some part of the barbarity of the Earl, and the bishop's sufferings, is confirmed by the following letter of Pope Innocent, ascribed to the year 1202, addressed to the Bishop of the Orkneys:—"We have learnt by your letters that Lomberd, a layman, the bearer of these presents, accompanied his Earl on an expedition into Caithness; that there the Earl's army stormed a castle, killed almost all who were in it, and took prisoner the Bishop of Caithness; and that this Lomberd (as he says) was compelled, by some of the Earl's soldiery, to cut out the bishop's tongue. Now, because the sin is great and grievous, in absolving him according to the form of the church, we have prescribed this penance for satisfaction of his offence, and to the terror of others—That he shall hasten home, and, barefooted, and naked except breeches and a short woollen vest without sleeves—having his tongue tied by a string, and drawn out so as to project beyond his lips, and the ends of the string bound round his neck—with rods in his hand, in sight of all men, walk for fifteen days successively through his own native district, the district of the mutilated bishop, and the neighbouring country; he shall go to the door of the church without entering, and there, prostrate on the earth, undergo discipline with the rods he is to carry; he is thus to spend each day in silence and fasting, until evening, when he shall support nature with bread and water only; after these fifteen days are passed, he shall prepare within a month to set out for Jerusalem, and there labour in the service of the Cross for three years; he shall never more bear arms against Christians; for two years he shall fast every Friday on bread and water, unless, by the indulgence of some discreet

[1] Orkn. Saga, p. 414.

bishop, or on account of bodily infirmity, this abstinence be mitigated. Do you then receive him returning in this manner, and see that he observe the penance enjoined him." [1]

William the Lion did not fail to exact the penalty of such an outrage. In 1197, he collected a mighty army, crossed the Oikel, and, perhaps for the first time, entirely subdued and intimidated the provinces of Northern Caithness and of Sutherland. As usual, the blow fell upon the people. The guilty chief made terms, and left his Caithness subjects to pay the enormous fine of a fourth of their whole possessions.[2]

In the midst of such fierce manners, civilisation held the same course here as in the southern districts of Scotland. The Church had taken the lead—through all obstacles vindicating the supremacy of the spiritual power. Following as her ally, the Sovereign used the policy of his grandfather, and introduced into his new province settlers of a different race. The chief of these were the family which soon began to be known by the surname of *De Moravia*, transplanted from the opposite shore of the Moray Frith. The first whom we find beyond the Frith, Hugo Freskyn, must have been possessed of a wide territory, if not the whole of Sutherland, in the reign of William, when he bestowed extensive estates there on his kinsman, Gilbert, then Archdeacon of the diocese of Moray, under the condition, that they should be destined by the churchman to some of his own lineage. William, the son of Hugh Freskyn, was styled 'Lord of Sutherland;' and it was probably for him that Alexander II. erected the earldom out of this 'Southern land' of old Caithness. His son, undoubtedly, was Earl of Sutherland, from whom the land and territorial honour have descended in an unbroken line to the present day.

It was perhaps some time before the province was reduced sufficiently to

[1] Epist. Innoc. III., Lib. III., No. 77.

[2] Orkn. Saga, p. 416; Fordun; Hailes.

bear the experiment of another tithe-gathering bishop. At least, we hear of none intermediate between John (who is supposed to have died of the effects of his mutilation) and Adam, who was elected Bishop of Caithness on the nones of August 1213, and consecrated by the Bishop of St Andrews on the day of St Mamertus, the 11th of May 1214.[1]

He had been previously Abbot of Melrose. The Orkney saga tells us, that no one knew the family of Bishop Adam, for he was a foundling exposed at a church door.[2] King William, however, imitating his grandsire in zeal for the church, and labouring to enforce the payment of tithes in the remotest and most barbarous districts,[3] found the Abbot of Melrose a fit person for his purpose, and placed him over the northern diocese. It was the established usage of Caithness, that for every score of cows a *span* of butter should be paid to the bishop. Bishop Adam was not contented with this proportion, and at first exacted the same quantity from fifteen cows; then from twelve; and at length demanded a *span* for every ten cows.[4]

[1] Chron. Mailr.

[2] In opposition to this statement, one authority makes Bishop Adam the son of King Alexander II., by his second wife, Queen Mary—a very glaring anachronism; but the note, if worth attention at all, may point either to another King or another Bishop.—Erroll MS., quoting "An anonymous MS. History of Scotland, writ under James V., a copy of which is now in the King's College, Aberdeen."

[3] As in the wilds of the diocese of Moray—Regist. Morav., Nos. 1, 5; in Carric and Lennox—Regist. Glasg.

[4] It must be observed, that this is given differently by our Scotch chroniclers. Wyntoun tells the story:—

"Adam the byschape of Catenes
That abbot of Melros before wes,
For he denyid hys tendis then
For til set, til hys awyne men;
Thre hundyre men in cumpany
Gaddryt come on hym suddanly,
Tuk hym owt quhare that he lay
Of his chawmyre befor day,

Here the endurance of the people ceased. They assembled in a threatening manner on a hill near the bishop's manor of Haukirk, in Thorsdale. The Lögmadr, or lawman, besought the bishop to yield, and to spare his oppressed people, but Bishop Adam was not to be moved. The Earl refused to interfere for reconciling the difference. The populace rushed to the house, in a loft of which the bishop and his party were drinking. A monk, his prime adviser, Serlo of Newbottle, went to meet them at the door. Him they fell upon, and threw back his dead body into the loft. The chronicler of the bishop's old monastery of Melrose maintains that Adam coveted martyrdom, and preferred death to abandoning the rights of the church, or to allowing the flock entrusted to him to remain longer in error. The Skald of the north tells us, that, after his councillor's death, he entreated Rafn, the lawman, to endeavour to make terms; and the wiser part of the people met him joyfully. But it was too late. As the bishop came out to confer with them, the violent part of the crowd became infuriated, seized him, thrust him into a hut, some say his own kitchen, and set fire to it; and thus miserably perished Bishop Adam, on Sunday, the octaves of the Nativity of the Virgin, 1222.

At these tidings, says the saga, King Alexander of Scotland was so wroth, that men still remember the dreadful vengeance he took on Caithness for the burning of the bishop; harrying the land, slaying or expelling the inhabitants.[1]

Modyr nakyd hys body bare;
Thai band hym, dang hym and woundyt sare
In-to the nycht, or day couth dawe.
The monk thai slwe thare, his falawe,
And the child that in hys chawmyr lay,
Thare thai slwe hym before day.
Hymself bwndyn and wowndyt syne,
Thai pwt hym in his awyn kychyne;
In thair felny and thare ire
Thare thai brynt hym in a fyre."—VII. 9.

[1] Orkn. Saga, p. 424; Chron. Mailr.; Extr. e var. chron.; Fordun, &c.

After all these deeds of violence, it became necessary to set a new bishop in the see of Caithness; and while it must have been difficult to find a fit person for the office, the fate of the former bishops had not been such as to render churchmen in general ambitious of it. The person chosen was Gilbert, the Archdeacon of Moray—a member of the great family of De Moravia, and himself already possessed of great estates in Sutherland, by the gift of his kinsman Hugh Freskyn. Gilbert was son of the Lord of Duffus, one of the chief castles of the family of De Moravia before they left their native province;[1] and although his father's name is nowhere precisely given, it may be asserted, without much doubt, that he was the son of William de Moravia, Lord of Strabrok and Duffus, and thus cousin-german of William Lord of Sutherland. The policy of selecting a man so connected, if otherwise eligible, for a bishopric in the difficult circumstances of Caithness, is sufficiently obvious; and Bishop Gilbert appears to have turned to account for the diocese all the means which his position and connexion put in his power. He wielded not only the influence of his family and his own possessions, but the power of the crown. He administered the affairs of government in the north, and superintended the building and fortifying of several royal castles for the security of the country.[2] He exercised his influence with Alexander to mitigate the severity of the punishment of the Caithness people for the burning of their bishop, his predecessor. He built the cathedral church of his see at Dornoch at his own expense, and its endowments were evidently of his gift, or procured by his means.

The first of the following documents is his charter of constitution of his newly built or projected cathedral. It is not dated, and its era can only be limited by the period of Bishop Gilbert's episcopate, extending from 1223

[1] "*Iste Gilbertus erat filius domini de Duffus*"—marginal note on the ancient chartulary of Moray.

[2] Sir R. Gordon, the historian of the Earldom of Sutherland, mentions a tradition, that he was the builder of the Castle of Kildrummy, in Mar—the noblest of northern castles.

to 1245. About the same time many Chapters were engaged in defining and authenticating their cathedral constitutions; and we have recorded acts of this kind, of Aberdeen, and of the great Cathedral of Glasgow, whose Chapter sent to Sarum for the model of its constitution. But the diocese of Moray was the one to which the Bishop of Caithness would naturally look for his example, as his native diocese, in whose Chapter he had held a dignified office, and where the present bishop, Andrew de Moravia, was of his own kindred.

As Sarum had furnished the model adopted by the Chapter of Glasgow, so the Chapter of Moray took Lincoln for its guide and rule; and, in the beginning of the thirteenth century, Bishop Bricius of Moray had dispatched the Dean Freskyn, and Andrew de Moravia, the Chancellor of his diocese, (destined to be his successor,) to learn accurately the customs and privileges, the constitution and order observed in the Cathedral of Lincoln. In framing his constitution for his northern diocese, again, Bishop Gilbert followed that of Moray in all particulars but one. There were the same number of canons, the same dignitaries in each; but in Moray, as in others of the Scotch cathedrals, the bishop sat in the Chapter as a simple canon, without pre-eminence of rank or authority. In Caithness, the bishop, legislating for himself, and dealing with endowments of his own granting, determined it otherwise.

Our record bears that, in the times preceding the episcopate of Bishop Gilbert, such was the poverty of the place, and so much had it suffered by continual wars, that in the cathedral church there was but a single priest celebrating service. The Bishop, desirous to set forth more worthily the Divine worship, determined to rebuild the cathedral at his own charges, and to erect it into a conventual church, with such endowment as his narrow means admitted.

The Chapter of the Cathedral of Caithness was declared to consist of ten members, the Bishop being the chief and pre-eminent, and receiving the fruits of six parish churches (unluckily not named) for his use. Of the

other five dignitaries, the Dean had for his prebend the church of Clun [*Clyne*], the great tithes of the city of Dornoch and of the town of Ethenboll [*Embo*], with a fourth of the altarage of Dornoch and the whole land of Nethandurnach. The Precentor had the church of Creich, the parsonage tithes of Pronci, Auelech [*Evelix*], Strathormeli [*Strachormlary or Achormlary, in Dornoch parish*], Askesdale [*Ausedale*], and Rutheverthar [*Rhiarchar*], the fourth of the altarage of Dornoch, with the whole land of Huctherhinche at Dornoch. The prebend of the Chancellor was the church of Rothegorth [*Rogart*], the parsonage tithes of the twelve dauachs of Scelleboll [*Skelbo*], and another fourth of the altarage of Dornoch. The Treasurer's consisted of the church of Larg [*Lairg*], the rectorial tithes of Scitheboll [*Skibo*] and Sywardhoch [*Sydera or Cyderhall*], (except those of Strathormeli,) and the remaining fourth of the altarage of Dornoch. The Archdeacon had for his prebend the churches of Bauer and of Watne [*Bower and Watten*]. Of the undignified canons, the first had the church of Olrich for his prebend; the second the church of Donot [*Dunnet*]; and the last the church of Cananesbi [*Canisbay*]. The churches of Far and Scynend [*Skinnet*], the lands of Pethgrudi [*Pitgudie in Dornoch*], two Herkhenyis, and the common pasturage of Dornoch, were common to the prebendaries, and assigned in an artificial manner, in the view of securing cathedral residence. The canons had each a toft and a croft in the city of Dornoch. The dean was obliged to residence for half the year; the other canons to three months yearly of residence. The bishop and dignitaries were bound to provide *priests* as their cathedral vicars or stallers, (of whom the bishop's vicar alone had a provision from the cathedral—the rectorial tithes of Thoreboll [*Torboll*] and of Kynald, and twenty acres of land at Dornoch, with a toft and croft there.) The simple canons were allowed to find vicars in *deacons'* orders. The church of Dyrnes [*Durness*] was bestowed upon the cathedral, to find light and incense. A singular part of the constitution of the Chapter was, that the Abbot of Scone was of right a canon of the cathedral, although not bound to give

residence. His prebend was the church of Kelduninach [*Kildonan*], the property of the monastery of Scone.[1]

It is difficult for a Scotchman now to call up to his imagination the cathedral towns of old Scotland. The effect of such a society of learned churchmen, holding a high position for influence and example, cultivating letters, preaching peace, and (for the most part) practising it, must have been great and beneficial in any rural district; but a glance at the past history of the district enables us in some degree to appreciate the benefits conferred upon Dornoch by the establishment of its bishop, its cathedral, and its chapter.

There are a good many mistakes in the common lives of Bishop Gilbert de Moravia.[2] It does not appear that he ever held the office of High Chamberlain of Scotland, though he probably administered the Crown property in the north. The story of his having distinguished himself at the Council of Northampton in 1176, and thereby winning a rapid promotion to his bishopric, when his election to the see of Caithness happened forty-seven years after that Council, needs no refutation. He had better titles to respect. He had a large share in civilising his rude province. He interposed between the vengeance of the King and the ignorant multitude. He made himself popular and beloved where his predecessors had been murdered; and, for whatever other miracles he was canonised, for these benefits he deserved to live in the affectionate memory of his people as 'Saint Gilbert.'

[1] The places in the charter are for the most part easily identified. Helgedall is now Halladale. Ra is the parish of Reay, partly in Sutherland, partly in Caithness. Herkhenys is not known. Scynend is the church of St Thomas of Skinnet. Sytheraw now figures as Cyder hall, a place near Dornoch. It will be observed, that besides receiving the seals of the Bishop and his Chapter, both of which are now gone, the deed has been prepared for their subscription of their names, which was much more unusual. Neither the Bishop nor Canons, however, have actually subscribed.

[2] Spottiswood, Keith, &c.

His festival was celebrated on the first day of April; and Saint Gilbert was among the Scotch saints restored to the kalendar of the Scotch church in the ill-starred Service Book of King Charles the First.[1]

The second of the documents here printed, was formerly an object of much interest to our antiquaries. It will be observed that it instructs three successive Bishops of Caithness, beginning with Bishop Gilbert—and two Earls of Sutherland in succession—before the year of its date, 1275. It was strangely omitted to be produced by the Earl of Sutherland in the Ranking of the Nobility in 1606, but was produced along with a fine roll of ancient *preuves de la noblesse,* in the process of reduction of the decreet of ranking raised by his grandson in 1667. In that action, which was dragged on for four years,

[1] It would appear that the relics of St Gilbert were had in reverence till a recent period. On the 23d day of April 1545, in presence of John Earl of Sutherland; of Thomas Murray, Precentor, and Thomas Stewart, Treasurer of the Cathedral church of Caithness; of Duncan Chalmer, Chancellor of the Cathedral church of Ross, and Paul Freser, pensionar of the Deanery of that church—in the chapter-house of the said Cathedral church of Caithness, appeared John Gray of Kilmaly, and made oath, *touching the relics of the blessed Saint Gilbert,* that he was altogether innocent of the coming of the servants and accomplices of Donald M'Ky of Far, within the bounds of the Earldom of Sutherland, and of the slaughter, depredation, and spulzie of goods there by them committed, and that he was not aiding or counselling of them therein. Then, John Matheson, Chancellor of Caithness, and the said John Gray, gave their great oath, *touching the relics of the most blessed Saint Gilbert,* to be faithful to the said Earl of Sutherland. And thereafter, Murquhard Murray in Pronsi, and Walter Murray in Auchflo, made oath—*tactis sacrosanctis beatissimi Gilberti reliquiis*—that, in riding with their complices in the month of October last, to the harbour of Unis, they nowise intended the hurt of an honourable man, Hugh Kennedy of Girvane Mains.—*Protocol Book of Mr David Seatton,* 1534-1577, *among the Records of the City of Aberdeen.* For the events, see Sir R. Gordon's History, p. 111.

Sir Robert Gordon, far more accurate than the common herd of genealogical writers, refers to the WILL of Bishop Gilbert de Moravia as still extant in the Registers of the See of Caithness in his time, or about 1636. If that document chance to have escaped destruction, it would be of singular interest to the law antiquary.

no final decision was come to, and the Earl of Sutherland's name continued to stand erroneously on the Rolls of Parliament, after the Earls of Angus, Argyll, Crawfurd, Erroll, and Marischall.

Besides the illustration it affords to the succession of the Earls of Sutherland and their northern bishops, the deed is of some importance for early statistics, and the land history of a district where documents of such antiquity are unfortunately rare.[1] The original, in fine preservation, is at Dunrobin.

The seals originally affixed to the charter are gone. Those here represented are from ancient seals of the Chapter of Dornoch. The larger is from an impression of a brass stamp which was in the possession of the late Mr Thomas of Oxford Street, London, impressions of which are found at writs of the thirteenth century. One old impression of this seal in the Chapter-House, Westminster, not now attached to any writing, has for its counter-seal the smaller seal here represented. The subject is the Annunciation—the angel holding a scroll of *Ave Maria*. The legend, not very distinct, may be deciphered—

Collegivm : consigno : mevm : Catanense : Mariae.

C. I.

[1] Some of the places in this charter occur in the Bishop's constitution. Scythebolle is Skibo; Syttheraw, Cyder hall; Miggewet, Migdale, in Creich; Swerdisdale, Swordale, also in Creich. Bunnach is Bonar. Cuttheldawach is Cuthil in Dornoch; Mouimor, Muimore; Awelec, Evelix in Dornoch; Promsy, Proncy, of which name there are Proncy, Proncy-croy, and Proncy-nain, three townships in Dornoch; Haskesdale, Ausdale—Astel; Hacchencossy, Achosnich in Dornoch; Thorebolle, Torboll; Kynalde, Kinnauld; Largge, Lairg; Owenes, Unes, Little ferry. Some places round Dornoch are still known by names recalling the memory of their old possessors, as Croite-an-Easpuig, Ach-in-chanter, Ach-in-treasurer, &c.—the *field* or croft of the Bishop, Precentor, and Treasurer—marking probably the patch of land attached to the cathedral manses of those dignitaries, Poll-a-Ghilibert, &c.

I.

Constitutio Capituli Ecclesie Cathedralis Cathanensis a Gilberto Episcopo data a.d. 1223–1245.

Universis Chriſti fidelibus hoc ſcriptum viſuris vel audituris Gillebertus diuina miſeracione Epiſcopus Cathanenſis Eternam in Domino ſalutem. Cum in temporibus precedentibus tempus adminiſtracionis noſtre in Cathedrali Eccleſia noſtra non eſſet niſi vnicus ſacerdos deo miniſtrans, tum propter loci paupertatem tum propter frequentem hoſtilitatem, nos ad honorem domini noſtri Jeſu Chriſti et beatiſſime Marie matris eius et omnium ſanctorum deſiderantes in eadem cultum divinum ampliare, habito ſuper hoc diligenti tractatu et conſilio virorum diſcretorum, decrevimus ipſam cathedralem eccleſiam ſumptibus propriis edificare [eandemque] in honorem ſupramemorate dei genitricis dedicatam, pro modulo paupertatis noſtre conventualem erigere. Ordinamus itaque et prouidimus in eadem eccleſia decem eſſe canonicos Epiſcopo qui pro tempore fuerit inter eos communiter per ſe vel ſuos vicarios iugiter miniſtrantes Quibus Epiſcopus quaſi capud

preminebit. ex reliquorum numero quinque creatis dignitatibus, videlicet Decanatu, precentaria, Cancellaria, Theſſauraria, et Archidiaconatu: Quorum quilibet, una cum epiſcopo et abbate de Scon, canonico in eadem eccleſia inſtituto, ſacerdotem vicarium in ſua abſencia pro ſe inveniet ſingulis diebus in prefata eccleſia miniſtrantem. Tres vero reliqui canonici tres invenient diaconos predictis ſacerdotibus in ipſa Eccleſia iugiter aſſiſtentes et ſeruientes. Ad ſuſtentacionem igitur predictorum canonicorum et luminaribus eccleſie cathedralis quatuordecim parochialibus eccleſiis noſtre dioceſis deputatis ſexque conſimilibus Epiſcopalibus uſibus reſeruatis: Vnicuique ipsorum ſuam prebendam diſcretam et diſtinctam aſſignare curauimus. In primis Decanatui eccleſiam de Clun cum omnibus prouentibus ſuis et pertinenciis, decimas garbarum ciuitatis de Durnach et uille de Ethenboll, cum quarta parte altaragii de Durnach, et tota terra de Methandurnach. Precentarie autem eccleſiam de Crech cum omnibus ſuis prouentibus et pertinentiis et capellis, decimas garbarum de Promci et de Auelech, de Stradormeli, Aſkeſdale, et Rutheuerthar, quartam partem altaragii de Durnach, cum tota terra de Huctherhinche apud Durnach. Cancellarie autem eccleſiam de Rothegorth cum ſuis prouentibus omnibus et pertinentiis, decimas garbarum de Scelleboll ſcilicet de duodecim dawachs et quartam partem altaragii de Durnach. Teſſaurarie uero eccleſiam de Larg cum omnibus prouentibus ſuis et pertinentiis, decimas garbarum de Scitheboll et Sywardhoch, exceptis decimis precentarie apud Stradormeli preaſſignatis, ad predictas terras ſpectantibus et ſimiliter quartam partem altaragii eccleſie de Durnaht. Aſſignato nichilominus vnicuique premiſſarum quatuor prebendarum tofto et crofto liberis in ciuitate de Durnach. Et ut predictas optinentes dignitates ad reſidenciam facilius et melius inducantur, ipſis in eccleſia cathedrali reſidentibus aut in ejuſdem vel Epiſcopi negociis externis occupatis, eccleſiam de Far cum omnibus ſuis prouentibus et pertinenciis in communi aſſignauimus, exceptis decimis et prouentibus de Helgedall eccleſie de Ra prius a nobis propter ipſius eccleſie ad Helgedall propinquitatem et eccleſie de Far

magnam diſtanciam deputatis. Reſeruataque nobis nichilominus poteſtate diuidendi predictam parochiam de Far in plures propter ipſius diffuſionem. Decernentes et ſtatuentes ut reſidentes ut premiſſum eſt, ejuſdem eccleſie prouentus omnes et ſuarum capellarum pro equali percipiant porcione quando reſidenciam fecerint. Abſentes autem in ſua nichil percipiant abſencia. Qui cum ſint eciam poſt Epiſcopum in eccleſia cathedrali principales et precipui, ipſorum eccleſias ab omni onere archidiaconali officialium et decanorum ruralium liberas fore decreuimus et immunes. Statuentes ut predictorum nullus juriſdictionem aliquam in eorum perſonas vel familias aut capellanos excercere preſumat: ipſorum per nos et capitulum exceſſibus corrigendis. Archidiaconatui autem aſſignamus eccleſias de Bouer et de Watne cum omnibus ſuis prouentibus et pertinentiis. Inſuper aſſignavimus Cancellarie et Theſſaurarie et Archidiaconatui totam terram de Pethgrudi et totam terram de duabus Herkhenȳs equali porcione inter eos dividendas cum communi paſtura dicte ciuitatis de Durnach. Prebende vero abbatis de Scon, eccleſiam de Kelduninach cum ſuis prouentibus omnibus et pertinenciis aſſignavimus: qui per ſacerdotem vicarium in eccleſia cathedrali miniſtrabit ut ſuperius eſt expreſſum: ipſo et ſuis ſucceſſoribus ad reſidenciam uel ad inueniendum vicarium in eccleſia ſua prebendali nullatenus compellendis: eo tamen proviſo quod eidem eccleſie per ſacerdotem competentem nichilominus ſerviatur. Tribus autem reliquis prebendis tres eccleſias parochiales, videlicet Olrich, Donotf, Cananeſbi ſeparatim adiunximus eccleſiam de Scȳnend ipſorum communitati deputantes: cujus prouentus reſidentes tantum percipiant ut ſuperius de eccleſia de Far ordinatum eſt et diſpoſitum. Si vero nullum eorum reſidere contigerit, operacioni et ornatui eccleſie cedant cathedralis, ſalvis centum ſolidis Willelmo de Ros clerico noſtro prius conceſſis et aſſignatis in vita ſua de eadem eccleſia percipiendis, et ſimiliter ſalvis tribus marcis Eudoni capellano noſtro aſſignatis ſingulis annis de eadem eccleſia [quibus vero] cedentibus aut decedentibus predicta eccleſia de Scȳnend ad uſus predictorum trium canonicorum [cedet] in equali porcione

inter eos dividenda. Ecclefiam autem de Dỳrnes affignavimus ad inveniendum cathedrali ecclefie lumen et incenfum. Ad fuftentationem infuper vicarii pro nobis in dicta cathedrali ecclefia miniftrantis ex confenfu capituli noftri decimas garbarum de Thoreboll et de Kỳnald et viginti acras terre apud Durnach cum tofto et crofto in eadem ciuitate affignauimus. Nichilominus quinque prebendis fuperius proximo inftitutis et diftinctis tofthis et croftis ibidem affignatis ne in abfencijs fuis exinde ualeant excufaciones affumere. Decreuimus igitur et conftituimus ut premiffas ecclefias et eas prebendas optinentes cum omnibus pertinenciis libere percipiant et quiete, falvis nobis epifcopalibus de ecclefiis. Preterea per communem capituli confenfum ftatuentes decreuimus ut Decanus fingulis annis faltem per medietatem cujuflibet anni moram contrahat in ecclefia cathedrali, et omnes alii canonici in dignitatibus vel extra conftituti, excepto Abbate de Scon, fingulis annis refidenciam faciant per tres menfes simul vel fingillatim nifi licentiatus fuerit ab epifcopo vel capitulo: quam qui non fecerit qualibet ebdomada fue abfencie operacioni et ornatui cathedralis Ecclefie duodecim denarios perfolvat. Decernentes infuper ftatuimus quod fi quis canonicorum canonice vocatus per epifcopum vel capitulum ut veniat ad defenfionem ecclefie, confilium et auxilium eidem inpenfurus, venire neglexerit; redditu fue priuetur prebende quoufque veniat ad condignam satiffactionem nifi canonicam pretendere poffit excufationem. Item ordinauimus et ftatuimus ut quilibet feptem facerdotum in premiffa ecclefia cathedrali miniftrantium fingulis diebus celebret diuina nifi canonice fuerit prepeditus, et tam predicti facerdotes omnes quam diaconi fingulis horis interfint qualibet die, nifi aliquem abeffe contigerit infirmitatis caufa vel cum licencia epifcopi fi prefens fuerit, vel decani. Qui vero fe aliter abfentaverit fecundum confuetudinem fuper hoc in ecclefia optinendam puniatur. Cunctis igitur predicte cathedrali ecclefie et canonicis ac vicariis in ipfa deo miniftrantibus fua jura fervantibus, fit pax et gloria domini noftri Jefu Chrifti, quatinus et hic fructum bone actionis percipiant et apud diftrictum iudicem premia

eterne pacis inveniant. Diſtrahentibus autem et injuriantibus ira et indignacio omnipotentis dei in perpetuam dampnacionem. Et ut premiſſa omnia rata permaneant et inconcuſſa ac robur optineant perpetue firmitatis, huic ordinacionis et conſtitucionis noſtre pagine propria manu subſcripſimus eidemque in indubitabile teſtimonium ſigillum noſtrum una cum ſigillo capituli noſtri fecimus apponi: poſtulantes ut quod noſtra qualiſcumque ſtatuit diſcretio, ſucceſſorum noſtrorum nulla caſſare preſumat elacio. De qua ut evidencius in poſterum conſtare poſſit, ſinguli canonicorum noſtrorum propriis manibus roborantes, subſcripſerunt. Teſte capitulo.

II.

Carta Archibaldi Episcopi Cathanensis de Controversia inter Comites Sutherlandie et Episcopos, a.d. 1275.

Omnibus Sancte matriſ Eccleſie filiis hoc ſcriptum visuriſ uel audituriſ, Archebaldus miseracione diuina Episcopus Cathannie salutem Eternam in Domino. Cum diutina controuerſia quondam exorta fuit inter venerabiles patres predeceſſores noſtros Gilebertum Willellmum et Walterum bone memorie Epiſcopos Cathannie nomine dicte Eccleſie ex una parte et nobiles viros Willellmum clare memorie et Willellmum ejus filium comites Sutherlandie super caſtro de Schythebolle cum quibusdam aliis terris videlicet sex

dauatis de Schytthebolle et sex dauatis de Syttheraw cum paſſagio, et duabus dauatis terre cum dimidia de Miggewet, Swerdiſdale, Creych, cum piſcaria de le Bunnach, de Cuttheldawach, de duabus dauatis de Mouimor, de duabus dauatis de Awelec, de tribus dauatis de Promsy, de una dauata de Roweherthar, de tribus quarteriis de Haſkeſdale, de dimidia davata de Hacchencoſſy, de tribus dauatis de Thorebolle, de duabus dauatis de Kynalde, et de quatuor dauatis de Largge: In quibus terris et caſtro dicti predeceſſores noſtri nomine eccleſie Cathannie ius sui vendicabant a predictis comitibus: et dicta controuerſia in non modicum diſpendium eccleſie Cathannie et graves sumptus dictorum comitum diu fuit agitata et protelata uſque ad tempus nostrum et Willellmi filii predicti comitis clare memorie. Tandem viri fideles et paciſ zelatores, prelati ecclesiarum, nobiles viri, comites et barones et alii quam plures ſide digni, preſſuris et anguſtiis eccleſie Cathannie et laboribus et expenſis predictorum comitum compacientes, zelo caritatiſ inſtincti, partes ſuas diligenter interpoſuerunt ut pacem et unitatem inter eccleſiam Cathannie nos et succeſſores noſtros, et predictum nobilem Willellmum comitem et ejus heredes, ordinarent et in perpetuum stabilirent. Tandem post multas ordinaciones et prelocutiones, dominus comes conſilio dictorum prelatorum procerum et aliorum fide dignorum inclinatus, mera voluntate ſua et ſpontanea, conceſſit eccleſie Cathannie nobis et succeſſoribus noſtris, castrum de Schythebolle cum ſex dauatis terre adiacentibus et sex dauatis terre de Sytheraw, cum paſſagio et duabus dauatis cum dimidia de Miggeweth, Swerdel, et de Creych, cum piſcatura de le Bunnach, et duabus dauatis de Mouimor, cum eorum pertinenciis: Tenendas et habendas et in perpetuum pacifice poſſidendas eccleſie Cathannie nobis et ſucceſſoribus noſtris, ſalvo forinseco ſeruicio domini Regis, sine aliqua controuerſia de cetero motura ab ipſo comite vel heredibus suis. Residue vero terre videlicet due dauate de Awelech, tres dauate de Promsy, una dauata de Rutherhard, tres quarterie de Haſkeſdale, dimidia dauata de Hachencoſſe, tres dauate de Thorebol, due dauate de Kynalde, quatuor

dauate de Largge, et una dauata de Cuttheldawach, de mera voluntate noſtra et conſensu capituli nostri, reſidebunt penes predictum comitem et heredes ſuos in perpetuum plenarie hereditarie et pacifice sine contradictione vel inquietacione moturis a nobis vel succeſſoribus noſtris. Ad hoc vero ut ecclesie noſtre, nobis et succeſſoribus noſtris ſecurius eſſet prouiſum, et ut plenariam poſſeſſionem dictarum terrarum eccleſie noſtre, nobis et succeſſoribus noſtris a dicto comite conceſſarum poterimus nanciſſi, et pro utilitate et commodo nobis et succeſſoribus noſtris a dicto comite collatis, de voluntate et conſensu capituli noſtri dedimus et conceſſimus predicto comiti et heredibus ſuis unam dauatam de Owenes valentem dimidiam marcam, et quod dictus comes et ſui heredes poſſint nobis et ſucceſſoribus noſtris qui pro tempore fuerint unum capellanum preſentare, qui in perpetuum celebrabit in ecclesia de Durnach ad altare Sancti Jacobi pro animabus dicti comitis predeceſſorum et succeſſorum ſuorum: quem quidem capellanum noſ et succeſſores noſtri ad preſentacionem predicti comitis et heredum ſuorum admittemus, et dicto capellano ad ejus ſuſtentacionem quinque marcas annuas de bonis epiſcopalibus videlicet de firmis noſtris de villa noſtra de Durnach per manus baliuorum noſtrorum qui pro tempore fuerint et ſucceſſorum noſtrorum ad duos anni terminos videlicet ad festum Sancti Martini in ẏeme duas marcas cum dimidia et duas marcas cum dimidia ad Pentecostem in perpetuum adminiſtrabimus. Promiſimus etiam de voluntate et conſenſu capituli noſtri pro nobis et ſucceſſoribus noſtris quod nos providebimus, faciemus pro dicto comite et ejus heredibus omnem securitatem ad istas ordinacionem conceſſiones in perpetuum inviolabiliter obſervandas quam ipſe et conſilium suum velint et poterint de jure ordinare vel petere. Et ad istam ordinacionem ſeu compoſitionem inviolabiliter in perpetuum obſervandam in omnibus et per omnia prout superius scriptum eſt, tam nos pro nobis et succeſſoribus noſtris, tam Decanus, Archideaconus, precentor et Cancellarius, pro se et capitulo Cathannie; Comes pro se et heredibus suis, fidem dedimus corporalem. In cuius rei testimonium et ad

majorem hujus rei securitatem, huic scripto penes comitem et ejus heredes residenti sigillum nostrum una cum communi sigillo capituli Cathanie, et sigillum Decani, Archideaconi, precentoris, et cancellarij Cathannie est appensum. Consimili vero scripture penes nos et successores nostros et capitulum nostrum residenti sigillum predicti comitis una cum sigillis domini Willelmi de Monte Alto, domini Andree de Morauia, Domini Alexandri de Morauia et Domini Dauid de Ynverlunan est appensum. Actum in Cathedrali ecclesia Cathannie x kalendas octobris Anno gratie M°.cc. septuagesimo quinto.

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